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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

1264

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on 9/18/2006Signature Typed or printed name Jamie Cameron

Application Number

09/477,991

Filed

01/05/2000

First Named Inventor

Bryce A. Jones

Art Unit

2157

Examiner

Barbara N. Burgess

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

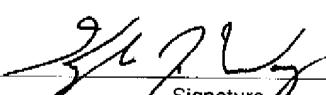
The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

 applicant/inventor. assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

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9/18/2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Bryce A. Jones  
Application No.: 09/477,991  
Filed: 01-05-2000  
For: METHOD AND APPARATUS FOR PROCESSING WEB CALLS IN A WEB CALL CENTER  
Confirmation No.: 1039  
Group No.: 2157  
Examiner: Barbara N. Burgess

**Mailstop: AF**  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**Introductory Comments**

In response to the advisory action dated September 8, 2006 (hereinafter "the advisory action"), the Assignee requests review of the final rejection in the above-identified application. No amendments are being filed with this request. A Notice of Appeal under 37 C.F.R. § 41.31(a)(1) is being filed herewith. The review is requested for the reasons provided in the following remarks.

## Remarks

Claims 166-185 remain pending. Claims 1-165 were canceled in previous responses. Claims 166-185 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,493,447 to Goss et al. (hereinafter “Goss”). (Page 2 of the final Office action dated May 26, 2006, hereinafter “the final Office action.”)

Independent method claim 166 for “routing a voice call, wherein the voice call originates from a user device including a cookie and wherein a call center has a plurality of call center resources” (such as call center agents), provides for “receiving the *voice call* originating from the user device *including the cookie*; processing the cookie from the user device to select one of the call center resources; and *routing the voice call originating from the user device to the selected one of the call center resources.*” (Emphasis supplied.) Independent system claim 176 incorporates similar provisions. The Assignee respectfully requests review of the rejection and requests allowance of claims 166-185 for at least the following reasons.

### Goss Does Not Teach or Suggest Receiving a Voice Call Originating from a User Device Including a Cookie

The final Office action indicates Goss teaches receiving the voice call originating from a user device including the cookie at column 6, lines 5-11 and 26-30. (Page 2 of the final Office action.) The Assignee respectfully disagrees, and believes such an assertion represents clear error in establishing a *prima facie* rejection under 35 U.S.C. § 102.

Generally, Goss discloses “a Contact Server [28] that enables customers to submit call-back requests to a call center via the Internet, or virtually any other communications technology available.” (Fig. 1; column 1, lines 62-65.) The preferred embodiment discussed at length in Goss involves a call-back request initiated by the user while the user is accessing “a Web site that is supported by the Web Server 30 on the call center’s Intranet Server 66.” (Fig. 1; and column 5, lines 63-67.) Goss further indicates that “[t]he Web Server 30 maintains a session with the customer’s browser 44 using cookies or other session maintenance methodology.” (Column 6, lines 9-11.) Goss later states that “[t]he Intranet Server 66 receives the call-back request. Since it has been maintaining a session with the customer’s browser 44, it knows who the customer is from the customer log on.” (Column 6, lines 27-30.) The Contact Server 28 is coupled with the Intranet Server 66 and actually provides the call-back services. (Column 4,

lines 13-22.) However, such an access by the user in this case is not a voice call, as provided for in claims 166 and 176, but is instead a web page access via a browser.

Goss also indicates that “[t]he Contact Server can be used in several different embodiments of call centers, using different communications technologies such as PSTN telephony, Internet data communications, or Internet telephony.” (Column 22, lines 49-52.) However, Goss does not appear to indicate that any voice call from a user includes a cookie that is received by the Contact Server and processed to determine how to direct the call. For example, Goss discusses requests placed over the PSTN 20. (Column 23, lines 6-14.) However, under that scenario a “VRU [Voice Response Unit] 16 collects caller information regarding the type of services required.” (Column 23, lines 9 and 10.) Thus, Goss does not teach or suggest receiving the voice call originating from a user device including the cookie, as provided for in claims 166 and 176, and such indication is respectfully requested.

Goss Does Not Teach or Suggest Routing the Voice Call Originating from the User Device to the Selected One of the Call Center Resources

The final Office action also alleges that the operation of routing the voice call originating from the user device to the selected one of the call center resources is disclosed in Goss at column 6, lines 56-65, and at column 7, lines 1-10. (Page 3 of the final Office action.) The Assignee respectfully disagrees with the allegation, and believes the allegation represents clear error in establishing a *prima facie* rejection under 35 U.S.C. § 102.

As discussed earlier, Goss indicates that the *Contact Server* 28 is responsible for receiving call-back requests. If an agent of the call center (i.e., a call center resource) is available, “*the agent can then place a telephone call* to the number provided by the customer who submitted the call-back request....” (Column 2, lines 4-6; emphasis supplied.) “If an agent is not available, the Contact Server can be used to *provide call-back services at a later time* via telephony, the Web, or virtually any other communications technology.” (Column 2, lines 14-16; emphasis supplied.) Thus, whether or not an agent is available at the time of the call-back request, *the agent ultimately responding to the request originates a call to the customer requesting the call-back*. Therefore, Goss does not teach or suggest “*routing the voice call originating from the user device* to the selected one of the call center resources,” as provided for in claims 166 and 176, and such indication is respectfully requested.

In its Response to Arguments, the final Office action indicates that “Goss discloses user information used to route the *request/call* to a particular agent. … (column 6, lines 21-26, column 13, lines 1-14).” (Page 5 of the final Office action; emphasis supplied.) Apparently, the final Office action equates a call-back request of Goss with a voice call originating from a user device that is routed to a call center resource, as provided for in claims 166 and 176. The Assignee respectfully disagrees with this characterization of Goss.

As described above, the *Contact Server* of Goss takes an incoming communication from a customer, such as a Web page access or a voice call, and generates a call-back request. Although the call-back request is ultimately transferred to the agent, *the request does not constitute a voice call from the user being routed to the agent. Otherwise, the agent would not need to call the customer back. Only after the transfer of the call-back request initiated by the customer* does an agent then call back the customer using information associated with the call-back request. (See column 8, lines 35-40.) Therefore, the method employed in Goss is distinguished from the subject matter of claims 166 and 176, in which a voice call originating from a user device includes a cookie, the cookie is processed to select a call center resource, and *the same voice call originating from the user device* is routed to the call center resource selected as a result of processing the cookie. Thus, the Assignee contends that claims 166 and 176 are allowable for at least this additional reason, and such indication is respectfully requested.

The advisory action maintains that the “callback request (voice call) that is originated from the user’s device (computer or telephone device...) is routed to the appropriate agent. Goss explicitly states, ‘when a call-back request is received from a customer, it must be sent to an agent who is trained to service the corporate business client represented by the customer,’” (column 6, lines 45-47). So, the callback request (voice call) is indeed routed to a selected call center resource (agent) (column 7, lines 1-5, column 13, lines 65-67).” (Page 3 of the advisory action.)

Again, the Assignee respectfully disagrees, since no voice call originated by the user is routed to the agent under Goss, no matter how the user contacts the call center, as described above, since the call-back request is not the same thing as a voice call. Various ways of *initiating* a call-back request, some of which are outlined in Goss and repeated on page 3 of the advisory action, indicate that *the Contact Server 28 can receive call-back requests* via the Internet 32 or, by way of a route through the PSTN 20/ACD (Automatic Call Distributor)

12/VRU (Voice Response Unit) 16, and then place outbound calls to the customer to connect the customer with the agent. (Column 23, lines 18-35.) Thus, Goss does not teach or suggest “*routing the voice call originating from the user device* to the selected one of the call center resources,” as provided for in claims 166 and 176, and such indication is respectfully requested.

Claims 167-175 depend from independent claim 166, and claims 177-185 depend from independent claim 176, thus incorporating the provisions of their respective independent claims. Thus, the Assignee asserts claims 167-175 and 177-185 are allowable for at least the reasons provided above in support of claims 166 and 176, and such indication is respectfully requested.

### Conclusion

Based on the above remarks, the Assignee respectfully requests the reversal of the final rejection of claims 166-185.

The Assignee hereby authorizes the Office to charge Deposit Account No. 21-0765 the appropriate fee under 37 C.F.R. § 41.20(b)(1) for the Notice of Appeal filed herewith. The Assignee also requests a one-month extension of time under 37 C.F.R. § 1.136(a) and authorizes the Office to charge the associated fee under 37 C.F.R. § 1.17(a). The Assignee believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

Date: 9/18/06



#### **SIGNATURE OF PRACTITIONER**

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